

Charles S. Vose (State Bar No. 78456)  
Edward W. Lee (State Bar No. 128146)  
OLIVER, VOSE, SANDIFER, MURPHY & LEE  
281 S. Figueroa Street, 2nd Floor  
Los Angeles, CA 90012-2501  
Telephone: (213) 621-2000  
Facsimile: (213) 621-2211

Attorneys for Petitioner  
CITY OF DOWNEY  
11111 Brookshire Avenue  
Downey, California 90241-7016  
Telephone: (562) 904-7284  
Facsimile: (562) 923-6388

**STATE OF CALIFORNIA  
State Energy Resources  
Conservation and Development Commission**

In the Matter of:	)	DOCKET NO: 00-AFC-3
	)	
	)	
	)	DATA REQUEST No.1
	)	
NUEVA AZALEA POWER PLANT	)	
PROJECT	)	
_____	)	

TO: Timothy G. Smith, Vice-President, Sunlaw Energy Corporation and  
its Attorneys.

The City of Downey requests that you answer the following data request as more specifically provided in Data Request No.1, Attachment A, attached hereto and incorporated herein by reference, within 30 days. All information sought is relevant to the proceeding and is in the control of the applicant and not readily available from other sources. In answering this data request, you are required to furnish full and complete answers.

DATED: 10-25-00

\_\_\_\_\_  
/S/  
Edward W. Lee

## **ATTACHMENT A**

### **Subject: Data Requests - Nueva Azalea 00-AFC-3**

The following comments and Data Requests are based upon available information, including review of the AFC, AFC Supplement, Applicant's Data Responses (first set), discussions with other local and state agencies, and a meeting held with the Applicant on September 27, 2000. The City of Downey is concerned due to the limited consideration given to the City of Downey issues that have been raised to date, and the corresponding inadequate or nonexistent discussion of the requested City of Downey issues within the applicant's materials. Due to the extremely limited time made available by the CEC for the City of Downey to adequately review the Applicant's Data Responses, the following comments and Data Requests are not exhaustive, as additional comments and/or Data Requests will likely be generated by the City of Downey regarding these issues as information is provided by the CEC and Applicant, and as we have additional time to study the numerous complex issues of concern to the City.

The following is a list of general concerns that have been raised by the City of Downey.

*Downey Data Request #1:* Please provide a more detailed evaluation of alternative sites, specifically with respect to the original proposed site for this project, as well as sites outside of the LA Basin.

*Downey Data Request #2:* Please provide an Emergency Response Plan.

*Downey Data Request #3:* Please discuss the reliability of a single fuel source power plant, including a discussion of a back-up plan in the event that the natural gas supply is interrupted. Please include in the data the volume and percentage of the total gas line capacity. If an alternative fuel will be required under an Emergency Response Plan, please provide an emission analysis for a discussion of the project's maximum share of the existing gas line capacity when the gas line is at maximum seasonal load due to existing or other future commitments. Provide documentation that this supply is available.

*Downey Data Request #4:* Please describe the composition of the Limited Liability Partnership (LLP). Specifically, please provide the names of the limited liability partners.

*Downey Data Request #5:* In regards to the SCONox™, please describe if there are any effects of “slip through” in which by-products of the platinum based catalyst would pass into the emissions stream. Additionally, please describe any water quality impacts of washing down the platinum catalyst.

**The following list directly corresponds to the numbered Data Requests from the Application for Certification Response of Applicant to Staff's First Set of Data Requests, dated October 2000.**

**Downey Data Request #6: For Data Request # 2, Air Quality, please include a map of the J.B. Hunt emissions. This emissions map should be of the same scale as the project map.**

**Downey Data Request #7: The Data Request#11, Air Quality, ignored the CEC request for recent AQMD monitoring station analysis. The City of Downey also requested this data on September 27, 2000 at a meeting with Sunlaw.**

**Downey Data Request #8: In regard to Data Request #12, Air Quality, only NOx is addressed. PM<sub>10</sub> should be analyzed as well.**

**Downey Data Request #9: For Data Request #13, Air Quality, please substantiate the 1:3 PM<sub>10</sub>/VOC ratio and the PM<sub>10</sub> local offsets.**

**Downey Data Request #10: For Data Request #15, Air Quality, the emissions should include cooling tower emissions.**

**Downey Data Request #11: Relating to Data Request #18, Air Quality, a worst case TDS needs to be evaluated for the cooling tower. Additionally, data needs to be substantiated from water agencies regarding TDS levels.**

**Downey Data Request #12: Data Request #19, Air Quality, should use a worst case sulfur content of 1 grain/100 scf since that is what wholesalers will warranty.**

**Downey Data Request #13: Data Request #21, Air Quality, should combine with the cooling tower emissions. Additionally, a combined emissions map, which includes the existing project and cumulative impacts should be attached.**

**Downey Data Request #14: For Data Request #25, Air Quality, local PM<sub>10</sub> ERC's are needed.**

**Downey Data Request #15: Data Request #27, Air Quality, needs an impact assessment map of initial commissioning. The maximum emission levels, including all facilities components should be utilized.**

**Downey Data Request #16: Data Request #28, Air Quality, should analyze SCONOX<sup>TM</sup> commissioning emissions for the project by calibrating to start up experiences and scalability at existing plants.**

~~October 25, 2000~~  
**Downey Data Request #17: Data Request #29, Air Quality, did not provide the requested data. The emissions of airborne asbestos should also be analyzed.**

**Downey Data Request #18: For Data Request #47, Land Use, the South Gate Site Plan Review requires the applicant to “mitigate potential adverse impacts on abutting land uses and the community” Section 11.41.020(3). Also, Section 11.24.030(8) states, “shall not be objectionable by reason of noise, odor, dust, mud, smoke, steam, vibration or other causes”. Air quality, aesthetics, hazardous materials/explosion and construction/demolition emissions are objectionable.**

**Downey Data Request #19: Data Request # 48, Public Health, needs to include a comparative map of existing (ambient plus J.B. Hunt) plus project. Additionally, an initial commissioning scenario and worst case operational scenario should be evaluated.**

**Downey Data Request #20: In Data Request #49, Public Health, the referenced indirect impacts are not speculative due to the fact that 230-300 J.B. Hunt trucks are expected to relocate within the Los Angeles Basin.**

**Downey Data Request #21: For Data Request #51, Socioeconomics/Environmental Justice, SB 115 applies since the project must comply with CEQA, which is under the Resources Agency. Additionally page 14 of Data Request #51 states, “confident that the Nueva Azalea Plant does not represent any significant environmental impact or health risk.” However, this claim is not substantiated, especially in relation to health risks. ERC’s are regional and do not mitigate local impacts. The statement on page 15 of “cumulatively considerable” is of concern, since the project approaches individual PSD thresholds, and no cumulative analysis is conducted. On Page 16, the statement regarding the J.B. Hunt “benefit” is not substantiated. Additionally, the explosion/flammability hazards on page 20 are not quantified.**

**Downey Data Request #22: Data Request #58, Visual Resources, does not give the area where the focus group participants come from.**

**Downey Data Request #23: Data Request #60, Visual Resources, needs to include the City of Downey (only Thunderbird Mobilehome Park is shown).**

**Downey Data Request #24: Data Request #65, Visual Resources, needs to include schools within the City of Downey.**

**Downey Data Request #25: Data Request #65, Visual Resources, needs to include the viewshed of the City of Downey.**

~~Downey Data Request #26: For Data Requests #77 and #78, Waste Management, are platinum emissions accounted for regarding the SCONox™ wash/wear down?~~  
October 25, 2000  
Additionally, the statement “trace amounts of sulfuric acid found in wastewater” needs to be analyzed in relation to water quality standards.

As part of this Data Request set, the City of Downey hereby incorporates by reference previously submitted comments on the Applicant's materials. In order to ensure that these comments are either incorporated into CEC's Data Requests or responded to directly by the Applicant, we have provided these comments in a sequentially numbered fashion below.

#### Comments on Applicant's Data Responses (October 2000)

1. The AFC should provide an exhibit (map) showing EMF fields as they relate to nearby sensitive receptors in Downey.
2. The Alternative Site analysis should evaluate the feasibility of sites located outside of urbanized areas.
3. The AFC should include the results of a Phase II Environmental Site Assessment, documenting anticipated remediation requirements, if any (Section 5.15.2.1). This should include details on the remediation process and secondary physical impacts (dust, noise, odors, and construction traffic on local streets, and risk of upset).
4. Given that the NOx emissions approach the federal/state standard and would directly impact sensitive receptors in Downey, the air quality analysis does not account for the required ambient concentrations or cumulative emissions from other projects. There are several planned projects in Downey, including the Boeing Master Plan. The AFC should specifically document contact names and dates for surrounding cities, as the cumulative project list appears incomplete.
5. The AFC should identify, by name, the affected sensitive receptors and corresponding local jurisdiction involved (similar to Figure 5.16-2 and its supplement).
6. The AFC does not adequately address sensitive receptors within the City of Downey, which will be most affected by the facility emissions. We should note that the AFC indicates project emissions that approach state/federal standards (PM10 and 1<sup>st</sup> hour NOx). Therefore, it would be appropriate to explain assumptions and mitigation measures for all pollutants, and particularly to consider the cumulative impact of the project's emissions (emission offsets reduce regional air impact but not site-specific impacts to local schools and residential areas). The AFC should include an analysis of air emissions and air

- toxic impacts at each of the specific sensitive receptors pursuant to item 5 above, including existing (ambient) concentrations, plus project emissions under various scenarios, as well as under cumulative conditions. The facility's air emissions appear to concentrate in a densely populated portion of Downey, where residential areas, schools, care facilities and other sensitive uses are located. We should note that the Downey Unified School District is also concerned with the facility's potential impacts upon its schools.
7. The AFC contains an inadequate assessment of visual and light/glare impacts upon the City of Downey. The AFC needs to evaluate each receptor individually, rather than the project as a whole, including an assessment of the project's visual contrast, scale/dominance, view blockage and overall visual impact severity.
  8. Page 5-187 is inaccurate in stating that the project "will not directly affect any specific land use or zoning consideration in the City of Downey". Land use and zoning considerations are adequately assessed for the City of South Gate only. On the contrary, the City of Downey has numerous sensitive receptors that will be directly impacted by the facility's air emissions and, potentially, from air toxins and/or public safety hazards (fire, explosion, risk of upset). The project is of regional significance and, as such, will both directly and indirectly affect Downey, its residents, employees and students. Downey will also be directly impacted due to the facility's visibility, and will be directly impacted due to local traffic congestion associated with facility and pipeline construction.
  9. Based on review of the Proof of Service List, we would like to confirm that other local agencies have been notified of this regionally significant project. Other local agencies include, but are not limited to: Downey Unified School District; Los Angeles Unified School District, County of Los Angeles (juvenile correctional facility is within air emission plumes); City of Bell Gardens; City of Cudahy; City of Bell; City of Huntington Park; City of Paramount; and City of Lynwood (most of which are within one to two miles of the project site).
  10. The AFC's analysis of flammability and explosion hazards should follow generally accepted criteria for ascertaining risk, such as those adopted by the U.S. Department of Housing and Urban Development.
  11. The AFC's data response discussion of the natural gas pipeline is inadequate. Only an approximate timeline and brief discussion of impacts is given. It should provide details on the source and quality of natural gas to be used, as well as a discussion of (detailed exhibits) any related off-site improvements required to serve the project.
  12. In regards to the sound wall to mitigate visual impacts to South Gate, the AFC should evaluate visual impacts to the City of Downey and, as required by State

**Law and Environmental Justice principles, should identify feasible mitigation measures to reduce visual impacts to Downey residents located near the project. The data response set indicates that the characteristics of the soundwall have not yet been established. We request that as soon as this data become available, that it is distributed to all interested parties.**

**The City of Downey remains concerned regarding this project's potential adverse impacts, as well as the incomplete nature of responses to our concerns.**